

**The City of Fairhope Board of Adjustments and Appeals met on Monday, October 17, 2016 at 5:00 PM in the City Council Chambers at the City Administration Building, located at 161 N. Section Street.**

**Members Present: Chairperson Cathy Slagle, Anil Vira, Vice-Chair; John Avent; Troy Strunk; Jonathan Smith, Director of Planning and Zoning; Emily Boyett, Secretary.**

**Absent: Dick Schneider**

The meeting was called to order at 5:00 PM by Chairperson Slagle.

The minutes of the September 19, 2016 meeting were considered. Troy Strunk moved to accept the minutes with one correction and was 2<sup>nd</sup> by Anil Vira. Motion carried with one abstention by John Avent.

**BOA 16.08 Public hearing to consider the request of James and Beverly Reid for variances to the front setback requirements for principal structures for property located at 208, 210, 212, and 214 Magnolia Avenue, 6 and 8 Saxe Lane, and 8 N. Summit Street.**

Jonathan Smith, Director of Planning and Zoning came forward and gave the staff report.

**STAFF INTERPRETATION:**

The subject property is zoned B-2 General Business District. Mr. and Mrs. Reid are seeking variances to the front setback requirement of Table 3-2: Dimension Table – Lot and Principal Structures in the Fairhope Zoning Ordinance.

Table 3-2 requires that all principal structures in the B-2 zoning district adhere to a Front Setback of 20'. Currently there are 4 lots on Magnolia Avenue, which are proposed to be re-platted into 3 lots, and 3 interior lots on Saxe Lane. The applicants are proposing to build a group of mixed-use buildings on Magnolia Avenue with interior mixed-use buildings on Saxe Lane.

The proposed design will provide greenspace and parking to be oriented around 3 large live oaks (42" DBH) and a magnolia (20" DBH). In order to protect and preserve the live oaks and magnolia, the applicant is requesting a 10' variance to the front setbacks for each lot, to provide adequate parking without impacting the trees.

The subject property is bordered to the north and west by B-3b Tourist Resort Commercial Service District and to the south and east by B-2 zoned properties.

**STAFF RECOMMENDATION:**

The application meets the mandatory criteria established in the Zoning Ordinance for the issuance of a variance and Staff recommends the Board of Adjustment approve the

proposed front setback variance due to the existing three 42” live oak trees and one 20” magnolia tree (topography).

Mr. Smith noted the adjacent property owners have expressed concerns in the past with the parking on Magnolia Avenue. He stated this location is still considered part of the Downtown. He said staff has not seen any architectural renderings but the Board can place contingencies specifying the architecture be similar to the surrounding area.

Mr. Reid addressed the Board saying they are requesting to move the proposed buildings further from the trees to protect them.

Catherine Hall, Architect, said she designed the site around the trees to focus on greenspace and create a park area. She stated the parking was broken up to keep the park atmosphere and to control the traffic. Mrs. Slagle asked how many parking spaces are proposed and Ms. Hall responded 28 spaces total.

Mrs. Slagle opened the public hearing.

Chris Knight of 50 N. Bayview Street – He stated the proposed site plan is interesting and he requested the variance, if granted, be tied to the site plan as presented. Mr. Smith stated the Board can make it a condition of approval. Mr. Reid confirmed the proposed plan is what they will build and any changes would be brought back for approval. Mr. Smith explained there are several additional layer of review for this site.

Mr. Vira asked if the site is in the Central Business District and Mr. Smith responded no, it is not.

Lisa Box of 51 N. Summit Street – She stated the current on-street parking makes it difficult to see oncoming traffic on Magnolia Avenue and she said speed is also an issue. Having no one else present to speak, Mrs. Slagle closed the public hearing.

Mr. Strunk said this is a fantastic development and he appreciated the applicant working with staff and Mr. Avent agreed. Mr. Smith recommended Ms. Box speak with the City Clerk, Lisa Hanks, to get on the Streets and Traffic Committee agenda regarding speeding on Magnolia Avenue. He stated site visibility requirements will be met with the proposed project. Mr. Avent asked if the parking meets the City’s requirements and Mr. Smith responded yes, it exceeds them.

John Avent made a motion to accept the staff recommendation to approve the proposed front setback variance due to the existing three 42” live oak trees and one 20” magnolia tree (topography). Anil Vira 2<sup>nd</sup> the motion and the motion carried unanimously.

**BOA 16.09 Public hearing to consider the request of the First Baptist Church of Fairhope for a variance to the lot coverage requirements for a principal structure for property located at 300 S. Section Street.**

Mr. Smith stated the applicant has requested the application be tabled until the November meeting to re-advertise and prepare a landscape plan.

Anil Vira made a motion to accept the applicant’s request to table the application until the November meeting. John Avent 2<sup>nd</sup> the motion and the motion carried unanimously.

Having no further business, Troy Strunk made a motion to adjourn. Anil Vira 2<sup>nd</sup> the motion and the motion carried unanimously. The meeting was adjourned at 5:20 PM.